

**Notice of Public Meeting
Town of Superior
Regular Council Meeting
Thursday, January 19, 2012-7:00 P.M.
Superior Senior Center
360 W. Main Street, Superior, AZ 85173
MINUTES**

A. CALL TO ORDER

Mayor Valenzuela called the meeting to order at 7:14 p.m.

B. SALUTE TO THE FLAG

Mayor Valenzuela led the salute to the flag.

C. OPENING PRAYER

Council Member Chris Tomerlin led the opening prayer.

D. ROLL CALL

Present: Council Members Hank Gutierrez, Chris Tomerlin, John Tameron, Gilbert Aguilar, Soyla “Kiki” Peralta, Mayor Jayme Valenzuela, Vice Mayor Olga Lopez; **Absent:** N/A

E. CONSENT AGENDA

1. Approval of minutes for regular meeting of January 5, 2012
2. Special Event Permit for LOST Eco Tourism Festival road closure on Main Street from Kellner to Lobb Avenue February 18, 2012

Mayor Valenzuela asked if the Magma Club was going to be ready for the event. Deputy Town Manager Digirolamo said it would.

MOTION: Council Member Peralta moved to approve the consent agenda. Council Member Tameron seconded. **VOTE:** The motion carried unanimously.

F. COMMUNICATION

1. Manager report—Deputy Town Manager Lou Digirolamo

Update Magma Hotel: Mr. Digirolamo apologized for the late delivery of the packet. Regarding the Magma Hotel update, he met with the architect as the owner was not in town. The architect is ready to go. They are in the process of posting signs for a variance and conditional use permit and should be able to bring it to Planning and Zoning on their February 9 meeting and if no issues there, should be brought to council for a hearing on February 16.

Update Pinal County IGA reference building permits and inspections: Mr. Digirolamo said they did get the copy of the IGA signed by Supervisor Pete Rios back from the county and it was in their packets along with some forms the county was going to put out, exemptions and general information. There was information in the public works department. Inspections will now be done by the county other than some limited ones they already have in process. These would continue to be done by Willdan if started by Willdan. Public Works Director Jed Lant also commented on this. Mayor

Valenzuela asked if an informational piece could be done in The Superior Sun. Mr. Digirolamo said they would do that.

Copy of letter reference possible Forest Service road closures: Mr. Digirolamo said they put that in the packet for information. There is a move by the Forest Service to shut down some Forest Service roads and they just got the letter saying some of the roads are in close proximity to Superior. If anyone was interested, he had posted it for information and had information at Town Hall. Vice Mayor Lopez asked if there was information on the roads being closed or if they would have to contact the Forest Service. Mr. Digirolamo said they would have to contact the Forest Service. He was not able to contact anyone there but wanted to publish it as soon as he could if there was a timeline as to making their feelings known if any of the roads were around Superior.

2. Finance report/resignation letter Nicole Welty—Finance Clerk, Deputy Town Manager

Ms. Welty presented the finance report and offered to answer any questions. Mayor Valenzuela asked if they were making any headway in paying bills. Ms. Welty said they were working on it. Council Member Tameron discussed with Mr. Lant whether he had checked with any other supplier of sanitary supplies. Mr. Digirolamo discussed how they used a state contract. He said they would look into the item and get information. Mayor Valenzuela asked how the PO system was working. Ms. Welty said she had not seen many come through yet. Rita Wentzel of the finance department said the POs that they had seen come in have already been committed. It is not really a true PO system but she thinks they will get there. She explained how the process should go. Mayor Valenzuela stated they need to educate everyone on the PO system. Ms. Welty also referenced her January 17 resignation letter effective February 16. She is willing to train whoever they liked before that date. She said if anyone wished to discuss her resignation she was available at town hall.

3. Public Works Director Report-Jed Lant

Mr. Lant briefed the council on the activities of the public works department as shown in his written report in their packets. Council Member Tameron commented on OSHA standards that require safety glasses and shields for weed eating. Council Member Gutierrez, Vice Mayor Lopez and Council Member Tameron commented on the dangers of prisoners riding on the back of trucks. Mr. Lant noted that DOC determines the acceptability of prisoner transport. Mayor Valenzuela said it was not an acceptable risk for the town. There was a discussion of a senior center van being used for prisoner transport in the town. Ms. Wentzel said there was a van that was off the grant and completely paid for. It was up to the town whether they wanted to have ownership of the van transferred to the town and off of Pinal-Gila Council for Senior Citizens. It is being looked into as to whether it could be used for prisoners. There were further comments on safety procedures. Mayor Valenzuela said the streets are looking better and he applauded the crew for the job they are doing.

4. Mila Lira Lost Trail Update

Ms. Lira updated council on the planned Lost Trail Eco Tourism event to be held February 18. She thanked them for approving the street closure. She thanked contributors. Council Member Gutierrez commented on how the trail is a part of economic development and contributes to sustainability of the community. He asked Ms. Lira if this is one of the gateway connectors to the Arizona Trail. Ms. Lira said Superior is one of the first communities that had actually moved forward and had a gateway trail constructed. She is contacted by a lot of communities regarding this. Council Member Gutierrez commented on how having a gateway to the Arizona Trail has a major economic impact by bringing people to the community.

Mayor Valenzuela said they had been invited to “Celebrating the Arizona Trail, A Dream Come True” on February 4 in Tempe. Anyone who wants to go could let him know. Mayor Valenzuela said they

were also invited to another event: “The Changing of the Guard” for the Arizona Border Patrol at the Pima Air and Space Museum in Tucson on February 3. He also thanked Bruce Richardson (of Resolution) for assisting the town in getting the Christmas lights down with their boom truck since Superior’s is inoperable. Mayor Valenzuela asked Fire Operations Chief Todd Pryor for a fire report. He also asked if the letter to Resolution regarding the urgent needs funds had been sent. Mr. Digirolamo said yes. Mr. Bruce Richardson of Resolution Copper said he had hoped to hand deliver the check at that meeting but it had been delayed. Mayor Valenzuela said he just wanted to know if it had been taken care of. Mr. Richardson responded in the affirmative and Mayor Valenzuela thanked him.

G. CALL TO THE PUBLIC:

Sonnie Samson: Was going to talk about the agenda but thought that the mayor had been in office a month, things had been happening around town. He thinks it is time for a few “Atta Boys.” Weeds have been cleaned, streets looking good, etc. Didn’t know what Jayme had done but thinks he threw a hand grenade in town hall. A recent tour bus had 45 people and they all used his bathroom.

Mayor Valenzuela: Work was not a product of him; it was a product of everyone up there right now and their staff. He thanked Mr. Samson.

Leslie Martin: Really didn’t have much left to say. There is another tour bus coming February 2. They are going to make a brief stop to use the Copper Gecko restrooms again and visit the museum. Hopefully she can get someone from Resolution to come down and chat with them and bring some brochures. Would like as a business owner to thank the town for the partnership with the Chamber. She detailed the projects. They are now on the map. Thanks to all who participated, especially Mr. Tameron. They have the preliminary sign for the Apache Leap Festival. Resolution gave them \$5,000.00 for the mining event this year. They are going to be putting up a booth and inviting anyone associated with mining to put up booths. They are also giving them five \$100 gift cards as prizes. Thanks to the town and Resolution, things are good and getting better. Vice Mayor Lopez asked if the food court bathrooms were not open for the tour buses and suggested that Ms. Martin coordinate with Mr. Lant when tours coming through town to have the restrooms open and clean for that day. They are just making quick stops right now but she’d like to see them stop for at least a couple of hours and visit all the stores and restaurants in town. Vice Mayor Lopez said that since they visited the Bob Jones Museum and that was right next to the facilities that would be nice. Ms. Martin thanked the vice mayor for reminding her.

Sue Anderson: Referencing the Home Tour coming up and the weather will be 69 degrees. There will be 100s of people and this brings thousands of dollars into the community. Hope to see them all out there. They have another tour bus coming with 53 people. Porter’s Café has worked out a special deal with them. Council Member Tameron noted a cottage that is renting by the day so if anyone wanted to spend the night there is a one-bedroom cottage for rent, if she could pass that on.

Pamela Dalton Rabago: Referencing the letter from the Forest Service. Superior is totally surrounded by the Forest Service. Superior needs to have a say in what roads are closed or not closed. The council ought to look into it and maybe visit. Council Member Aguilar said maybe they could send them a letter also.

Curt Williams: Thanked Ms. Rabago for pointing out they are landlocked by the National Forest. He commended the mayor and council for the progress made and reminded it was not done yet. Specifically he referred to their action items in subsection H of the agenda. Since it is also addressed in executive session, he doesn’t know if it is intentional but wanted to remind he is also deputy town clerk.

H. BUSINESS, POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

1. Discuss/Approve/Reject: A request from Salt River Project for an easement adjacent to Mary Drive—Deputy Town Manager

Mr. Digirolamo explained SRP had no easement to let them into their easement on Mary Drive. This request is for open an easement on Mary Drive where it starts to curve, west of Golf Course Road. Council Member Gutierrez had a question and Mr. Digirolamo explained in further detail. Council Member Gutierrez asked if the conduit was already in place. Mr. Digirolamo said they had already dug it but when SRP looked at it they realized that in 2007 when they asked for their regular easement, the one on the south side of Mary Drive was never incorporated in that.

MOTION: Council Member Tomerlin moved to approve the request from Salt River Project for an easement adjacent to Mary Drive. Vice Mayor Lopez seconded. **VOTE:** The motion carried unanimously.

2. Discuss/Approve/Reject: Review 957 Stone Avenue, continue foreclosure and/or abatement at this property location—Deputy Town Manager

Mr. Digirolamo said staff is asking council to table. There was further investigation done and it looks as if there may be an issue in the title in the paperwork. They want to make sure all the paperwork can be done and if it can't it needs to be somehow reversed.

Mayor Valenzuela said Ms. Casias was there to speak on behalf of the property. She had come and spoken with him and told him that she did have some type of agreement in place with Ms. Oliver. She was concerned about who was receiving the correspondence in reference to the property because she said she and her husband were the owners of the property, not her son. They will be looking into it. He had asked for the proceedings to halt until they could figure it out.

Mr. Digirolamo said he had instructed Town Attorney Chad Niven to look into the foreclosure. It was issued under Vianes Casias but doing further research it looks like it is "in the estate of." He is having the legal team look into it and that is why they are requesting to table.

Attorney Niven said at the last council meeting they did take action on this. Mayor Valenzuela said that is why he wanted to bring it back to stop that action. Mayor Valenzuela asked what the motion should say. Town Attorney Wencker said he believed the motion at the last meeting was to direct the town attorneys to proceed to with the foreclosure. All they had to do was direct them not to proceed with the foreclosure until they received further instructions.

MOTION: Council Member Tameron said he would make that motion. Council Member Tomerlin seconded. **VOTE:** The motion carried unanimously.

Ms. Jean Casias said she had brought them a letter that Ms. Oliver had sent her but had never gotten back to her on. Mayor Valenzuela said they are going to look into it as the name on the title had become a big issue.

3. Discuss/Approve/Reject: IGA, Pinal County Department of Health and Human Services, Division of Animal Care & Control and the Town of Superior—Lieutenant Campbell

Attorney Wencker referenced changes he had made to the IGA. The original had stated that Superior would adopt the county animal control code and use as their own. In reviewing it and speaking to Lt. Campbell they decided that was not an entirely appropriate code for the town. He has submitted a

revised animal control code to the staff that would be brought back to council. The revised IGA said that the town's code would be similar to the county's. Mayor Valenzuela asked when this would go before the county board. Lt. Campbell said at the next meeting.

MOTION: Vice Mayor Lopez moved to approve the IGA, Pinal County Department of Health and Human Services, Division of Animal Care & Control and the Town of Superior with the changes. Council Member Aguilar seconded. **VOTE:** The motion carried unanimously.

4. Discuss/Approve/Reject—Set rental fees for the Magma Club beginning February 1, 2012 and require or waive liability insurance requirements

Deputy Town Manager Digirolamo said this had been brought back at the request of council. He referenced information in the packet that had been put together by Ms. Wentzel. He reminded council of the funds that had been put into the building. There was a discussion between council and staff regarding the item and that more information was needed before they were ready to set fees.

MOTION: Vice Mayor Lopez moved to table and give direction to the staff to do further research and bring back. Council Member Peralta seconded. **VOTE:** The motion carried unanimously.

5. Discuss/Approve/Reject: Soliciting a Request for Proposal (RFP) for the operation and maintenance of the transfer station at 101 Airport Road

Deputy Town Manager Digirolamo said this had been brought back. The town attorney had made some changes to the contract that were favorable to the town. They were given to Mr. Larry Jochai. He was approached by another company also that said they may be interested in operating the transfer station. Since there was more than one company interested he would like council to approve sending out RFPs to see what interest is out there. Mr. Jochai said based on what council decided he would also like the opportunity to submit an RFP.

MOTION: Council Member Tameron moved to instruct staff to go out for RFPs for the transfer station at 101 Airport Road. Council Member Aguilar seconded. **VOTE:** The motion carried unanimously.

6. Discuss/Approve/Reject—Consideration of employment, assignment, appointment, promotion, demotion, dismissal, salary, disciplining or resignation of Town Manager Melanie Oliver (**ACTION MOVED TO AFTER ITEM H-7**)

Mayor Valenzuela said Ms. Oliver has requested to be on the phone. This is an action item.

MOTION: Council Member Peralta moved to dismiss the town manager effective immediately on the basis of job performance, to include unauthorized transfer of town property, (inaudible word) of town records, inappropriate controls over spending, election errors made in handling elections, cemetery issues. Council Member Tomerlin seconded.

Mayor Valenzuela asked for comments or questions. Attorney Wencker asked for clarification as to when it should be effective and Council Member Peralta clarified that it was immediately. Council Member Tomerlin reaffirmed his second. Council Member Gutierrez commented that there had been a lot of documents presented to the body in regard to performance. He agreed the bullet points were damning at some level. He did not know who put the bullet points together. He knows there is an explanation to them. He thought it would be due diligence for the body to allow Ms. Oliver to have access to staff to come up with supporting documents as to why decisions (one of them property litigation) were made by the direction of the body. It makes sense and at the same time they should provide Ms. Oliver an opportunity to have access to staff to come up with a detailed ... opportunity to

respond. There may be other institutional issues that they don't see and may not know about once Ms. Oliver is gone. They don't want to throw the baby out with the bathwater, need to find out what structurally has happened as to how they direct their staff. It is like shooting the messenger. He thought they should be very careful about how they pursue this. Council Member Tomerlin called for the vote. Mayor Valenzuela said he had a comment. The body was going to take action tonight. They are going to take action and do what they are going to do. But if Ms. Oliver at a later date wants to come in and clarify the issues, he does not have a problem with that, coming in and clarifying the issues with staff. Then the body can look at that and re-examine that again. But they are going to take an action that night and move forward. He does not know if that should be part of the motion to allow her to do that. It is up to the rest of the council. Attorney Wencker said there would not be anything prohibiting council from placing that on a future agenda and revisiting the issue if it desired. Council Member Peralta said the motion stands.

VOTE: The motion carried with a vote of 6-1 with Council Member Gutierrez opposed. They called for a roll call vote: Ms. Peralta voted aye, Mr. Aguilar aye, Ms. Lopez aye, Mr. Tameron aye, Mr. Tomerlin aye, Mr. Gutierrez no, Mr. Valenzuela yes.

7. Discuss/Approve/Reject—Consideration of employment, assignment, appointment, promotion, demotion, dismissal, salary, disciplining or resignation of Public Safety Director and Deputy Town Manager Lou Digirolamo **(ACTION MOVED TO BEFORE ITEM H-6)**

MOTION: Vice Mayor Lopez moved to amend the current contract with Lou Digirolamo specifying that he will return to the duties of Chief of Police and Public Safety Director and relinquishing his title of Deputy Town Manager effective on the execution of signing the document, which will probably be prepared for Monday. Council Member Peralta seconded. **VOTE:** The motion carried unanimously.

Attorney Wencker said there was another term to be added. Mayor Valenzuela agreed it was "to seek employment."

MOTION: Vice Mayor Lopez said an amendment to that motion would be that Lou Digirolamo would be allowed to seek employment elsewhere. Council Member Peralta seconded.

Mayor Valenzuela asked if they had to vote on that again. Attorney Wencker said he took that as a motion to amend the first motion, so they could vote on that.

Council Member Gutierrez said that "effective Monday" was shooting themselves in the foot because they won't have a deputy town manager or a town manager at all. Mayor Valenzuela said that would be addressed.

Council Member Gutierrez asked if they were going to vote again. Mayor Valenzuela said they were going to vote on the amended motion. Council Member Gutierrez asked if there was going to be discussion. Mayor Valenzuela said there was a motion and a second.

VOTE: The motion to amend the original motion carried unanimously.

Council Member Gutierrez said he had a concern. He knew they were going in the right direction. He knew that Mr. Digirolamo needed some relief. But he also felt it was already preset. Had Mayor Valenzuela polled other members of the body? He kind of felt like they were moving in the direction very rapidly. When it was said they are not going to have a deputy town manager, Mayor Valenzuela said it would be taken care of.

Mayor Valenzuela said he didn't say it was taken care of, he said it would be addressed. He said he felt very offended at Mr. Gutierrez saying they had pre-discussed it. Mr. Gutierrez said he was not

trying to offend. He was just bringing it up as an observation. Mayor Valenzuela said that was fine. Mr. Gutierrez said he is just saying if the shoe fits, wear it. Mayor Valenzuela said he was not wearing it. Mr. Gutierrez said okay.

I. EXECUTIVE SESSION

The Town Council may or may not vote to go into Executive Session pursuant to ARS38-431.03 (A-1) (A-3) & (A-7)

MOTION: Council Member Tameron made a motion to move into executive session on Item I-2, A-3 (LEGAL ADVICE WITH ATTORNEY), Discussion or consultation regarding employment, assignment, appointment, promotion, demotion, dismissal, salary, disciplining or resignation of Town Manager Melanie Oliver. Council Member Peralta seconded. **VOTE:** The motion carried unanimously. Council moved to executive session at 9:06 p.m. Council returned to open session at 9:28 p.m.

MOTION: Council Member Peralta made a motion to move into executive session on Item I-1, A-1 (PERSONNEL), Discussion or consultation regarding employment, assignment, appointment, promotion, demotion, dismissal, salary, disciplining or resignation of Town Manager Melanie Oliver. Council Member Aguilar seconded. **VOTE:** The motion carried unanimously. Council moved to executive session at 9:30 p.m. Council returned to open session at 9:35 p.m.

MOTION: Council Member Peralta made a motion to move into executive session on Item I-3, A-1 (PERSONNEL), Discussion or consultation regarding employment, assignment, appointment, promotion, demotion, dismissal, salary, disciplining or resignation of Police Chief/Public Safety Director/Deputy Town Manager Lou Digirolamo. Council Member Tomerlin seconded. **VOTE:** The motion carried unanimously. Council moved to executive session at 9:40 p.m. Council returned to open session at 9:51p.m.

MOTION: Vice Mayor Lopez made a motion to move into executive session on Item I-4, A-3 (LEGAL ADVICE WITH ATTORNEY) ,Discussion or consultation regarding employment, assignment, appointment, promotion, demotion, dismissal, salary, disciplining or resignation of Police Chief/Public Safety Director/Deputy Town Manager Lou Digirolamo. Council Member Tomerlin seconded. **VOTE:** The motion carried unanimously. Council moved to executive session at 9:52 p.m. Council returned to open session at 10:00 p.m.

MOTION: Council Member Tomerlin made a motion to move into executive session on Item I-2, A-3 (LEGAL ADVICE WITH ATTORNEY), Discussion or consultation regarding employment, assignment, appointment, promotion, demotion, dismissal, salary, disciplining or resignation of Town Manager Melanie Oliver. Vice Mayor Lopez seconded. **VOTE:** The motion carried unanimously. Council moved to executive session at 10:17 p.m. Council returned to open session at 10:30 p.m.

MOTION: Council Member Tomerlin made a motion to move into executive session on Item I-1, A-1 (PERSONNEL), Discussion or consultation regarding employment, assignment, appointment, promotion, demotion, dismissal, salary, disciplining or resignation of Town Manager Melanie Oliver. Vice Mayor Lopez seconded. **VOTE:** The motion carried unanimously. Council moved to executive session at 10:33p.m. Council returned to open session at 10:55 p.m.

J. Council Comments

Council Member Peralta: Council has taken a step in the right direction.

Council Member Aguilar: Does not like to be accused of something he did not do.

Council Member Gutierrez: Council took this action with the town manager but they need to remember that they give direction to the town manager. As they move forward and talk about a new direction, they

have to be careful when they give that direction. They can't come back on their employees because they took the direction. His comment was to the body, not to Mr. Aguilar, is that there might be some consensus somewhere. Whether it is true or not, if the shoe fits wear it, but feels it is his job to point that out. He looks forward to the new direction but as a body they have to be careful when they give staff direction and they follow it and it upsets citizens because they took direction to do that. He made further comments, including that he does not appreciate being cut off.

Council Member Tomerlin: Believes this is a step in the right direction. They can move forward and get the town's finances cleaned up, get the rest of the town cleaned up, bring everything up to high standards, move forward and make this a better place.

Council Member Tameron: Going back to the letter from the Forest Service and the closing of the roads, he believes it important to look into and as a community do what they can to keep the roads open. He made further comments on this issue.

Vice Mayor Lopez: When the audits came out or didn't come out, depending on which way you want to take it, it was disappointing. They were all shaken up by the outcome and what was addressed in those audits. It is hard times and they know it. Staff has been good about going that extra mile but it is going to get harder yet. The funds aren't there and they have to make hard choices. They won't know if they are good ones or bad ones. They are up there for that and trying to be transparent to the residents of Superior. Asked community members to be patient and they appreciate the support.

Mayor Valenzuela: They were put there to make decisions. Some will be good decisions and some not liked. No one likes change. He thinks this change is for the better in the new direction they are going to go. He thinks they are already headed in that direction. There have been a lot of positive things going on with this body. He used to come to the council meetings and only heard one or maybe two people talk. He never heard the rest of the council engage in the conversation. Now, and Mr. Gutierrez said we are cutting him off, every meeting they have been there until past 10-11 o'clock. "I don't think I've cut anybody off." They have given everyone an opportunity to talk, every council member an opportunity to talk and express their views and concerns. They are here to serve the interests of the people of the community. Friendship did not play into any of his decision making. When he ran for office it was because of what he saw happening. Look at where they are at. He didn't think they had to look any further than where they are at right now and where the books are and where they are financially, what their streets look like, who is guiding the ship and where is the ship going. Yes, staff does take direction from council, but as a body they have become more involved and taking an active role in what is going on in town and addressing some of the issues and what is going on around town. He takes pride in the community, loves the community and just wants to see what is best for the community. That is why he ran for office. He is never going to forget he works for them. He does not work for himself, for his friends, for any company, he works for the people of Superior and thinks everyone up there does that. That is what they all have to remember. Yes, there are going to be times they disagree and say things that somebody up there is going to be offended at but at the end of the evening, at the end of their meetings, they are going to make the right choices. They are going to be able to come back the next meeting and sit there as buddies and friends with their constituents out there and make those decisions again. It is not about holding hard feelings against each other. They are there to make those decisions. Some of them will be positive decisions and some will be not liked by some people. They had made some that night. They have moved forward on some action items and he stands firmly on what they have done as a council. Not one individual has done it, they as a council have done it. He looks forward to moving forward and having a great 2012. He thinks it is going to be a very good year for them in the town of Superior. He reminded them about the upcoming Home Show and thanked them for coming out and sticking around.

K. ADJOURNMENT

MOTION: Vice Mayor Lopez moved to adjourn. Council Member Tomerlin seconded. **VOTE:** The motion carried unanimously. Mayor Valenzuela adjourned the meeting at 11:14 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the Town Council of the Town of Superior held on the 19th day of January, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

Rita M. Wentzel, InterimTown Clerk

These minutes were compiled and transcribed by
Cindy Tracy,
An Independent Contractor.
(Final editing of these minutes and their content is completed and verified by staff members of the Town of Superior.)